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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/581,651	10/10/2000	Seth Lawrence Schor	002.00120	4652

7590 05/25/2004

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EXAMINER

RAWLINGS, STEPHEN L

ART UNIT PAPER NUMBER

1642

DATE MAILED: 05/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



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09/581,657

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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1642 20040520

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Commissioner for Patents

Notice of Non-Compliant and Non-Responsive Amendments

1. The amendment filed on November 3, 2003 is considered non-compliant because it failed to meet the requirements of 37 CFR § 1.121, as amended on June 30, 2003 (see *68 Fed. Reg. 38611*, Jun. 30, 2003). In order for the amendment to be compliant, correction of the following item(s) is required. **Only the corrected section of the non-compliant amendment must be resubmitted (in its entirety), e.g., the entire “Amendments to the claims” section of applicant’s amendment must be re-submitted.** 37 CFR § 1.121(h).

The amendment filed November 3, 2003 is non-compliant because amendments to the specification must be made by presenting *replacement paragraphs* showing the changes relative to the immediate prior version.

For further explanation of the amendment format required by 37 CFR § 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/olpla/preognotice/officeflyer.pdf>.

2. The amendment filed November 3, 2003 is considered not fully responsive to the Office communication mailed January 14, 2003 because of the following omissions or matters:

Applicant has failed to place the application in complete compliance with the sequence rules set forth under 37 CFR §§ 1.821-825, as was required in the previous Office action mailed May 22, 2002. See 37 CFR § 1.111.

The Office action mailed May 22, 2002 states: “In replying to this Office Action Applicants are requested to correct any further deficiencies, which have not been specifically identified” (page 3, paragraph 2).

The Office action mailed May 22, 2002 advised Applicant of the following deficiencies, which now have been corrected by the amendment filed November 3, 2003:

- (a) Claims 27 and 28 recite amino acid sequences that are not identified by sequence identification numbers corresponding to same amino acid sequences set forth in the Sequence Listing;

- (b) Figure 2 depicts two amino acid sequences that are not identified by sequence identification numbers corresponding to same amino acid sequences set forth in the Sequence Listing; and
- (c) Figure 3 depicts multiple amino acid sequences that are not identified by sequence identification numbers corresponding to same amino acid sequences set forth in the Sequence Listing.

However, sequences appearing in the specification and/or drawings must be identified by sequence identifier in accordance with 37 C.F.R. 1.821(d). Therefore, in addition to those before mentioned deficiencies, the following deficiencies, which must be corrected before the application can be further examined under 35 U.S.C. §§ 131 and 132, are noted:

Sequences are not properly identified appear at page 4, line 20, through page 5, line 3; page 6, line 12, through page 7, line 11; page 19, lines 8-30; page 19, line 37, through page 20, line 11; page 21, lines 18-40; page 22, lines 16-38; page 23, lines 4, 5, 6, 7, and 8; page 24, lines 1-23; page 24, lines 34, 35, 36, 37, and 38; page 26, line 6; page 26, line 29, through page 27, line 21; page 27, line 33, through page 28, line 4; page 29, lines 14-36; page 30, lines 3-25; page 32, lines 16-38; page 33, lines 6-28; page 33, line 36, through page 34, line 8; p[age 35, line 23, through page 36, line 5; page 35, lines 15-37; page 37, lines 4-26; page 38, line 22, through page 39, line 5; page 39, line 16-38; and page 47, lines 25, 26, 27, 28, and 29.

Applicant may submit a substitute specification, excluding the claims, in which the deficiencies have been corrected. The substitute specification must be accompanied with a marked up copy showing changes relative to the immediate prior version. If necessary to correct the deficiency, substitute copies of the Sequence Listing, i.e., a printed copy and a copy in computer-readable format (CRF) should be submitted, together with a statement that both copies are the same and include no new matter.

Again, for further explanation of the amendment format required by 37 CFR § 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognocice/officeflyer.pdf>.

3. As the non-compliant and non-responsive amendments filed November 3, 2003 is in reply to a NON-FINAL OFFICE ACTION, and since the amendment appears to be a bona fide attempt to be a reply (37 CFR § 1.135(c)), applicant is given a TIME PERIOD of **ONE (1) MONTH** from the mailing date of this notice within which to re-submit the corrected section which complies with 37 CFR § 1.121 in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen L. Rawlings, Ph.D. whose telephone number is (571) 272-0836. The examiner can normally be reached on Monday-Friday, 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Chan can be reached on (571) 272-0841. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Stephen L. Rawlings, Ph.D.
Examiner
Art Unit 1642

slr
May 21, 2004

PHILLIP GAMBEL
PHILLIP GAMBEL, PH.D
PRIMARY EXAMINER
TECH CENTER 1600
5/21/04